

**REMARKS**

Applicant submits this Amendment for consideration in response to the Examiner's Action, and respectfully requests that this Amendment be entered.

Claims 2, 5 to 9 and 13 to 19 are cancelled.

The Examiner found Claim 6 to be objectionable under 37 C.F.R. 1.75(c). This is now moot as the claim has been cancelled.

The Examiner marked box 10 relating to the Drawings but did not indicate that the Drawings were accepted or objectionable. Please clarify what was meant.

The Examiner mentioned that the listing of references in the Specification was not a proper Information Disclosure Statement in accordance with MPEP Sec. 609 A(1). Applicant wishes to point out that the two references on page 4, paragraph 19, of the specification are not considered as "prior art", but are mentioned to demonstrate what types of methods and materials that can be used for coating a RFID that can be embedded in the Label. These are not references directed to removable Labels for tires for consideration by the Examiner.

Before responding to the specific rejections made by the Examiner, Applicant wishes to clearly point out what he considers to be his Invention. Applicant's discovery relates to Labels which are placed on tires after the tires are cured. These Labels are separate from the tire and are placed on the Tread or Sidewall of the tire to show the indicia of the tire; i.e. the Tradename and Trademark, the Size of the tire,

Representations, etc. The label is Not meant to be a permanent part of the tire, but to be placed on the tire temporarily during inventory and sale, and then the label is removed from the tire before or after the tire is mounted on the rim.

The Applicant discovered that standard labels often "fell off" the tire during storage, etc. because certain materials in the tire, basically processing oils and waxes, migrated to the surface of the tire, entered the adhesive layer and were stopped and collected at the interface of the adhesive layer and the base layer. Then, the interface would "fail" and the label would come off.

Applicant discovered that, if the base layer was permeable to the migrating materials coming from the tire, the said materials would "pass through" the base layer without causing the label to come off. Of course, the bond was not "permanent", so when the person mounting the tire wanted to, he could pull off the label.

Hence, Applicant's Invention was to develop a separate label to be applied to a cured tire that would stay on the tire better, but still be able to be removed when desired.

Claim 1 has been amended to state that the adhesive is a "rubber based" adhesive.

Claims 2, 5 to 9 and 12-19 have been cancelled.

Claim 3 has been amended to add a "Markush" grouping that recites the preferred base layer materials.

Claim 11 has been amended to recite to position the RFID tag and to state that the RFID contains indicia for the tire .

Rejections that were made under 35 U.S.C. 103(a).

Applicant respectfully traverses the rejection of Claims 1-7, 9-16 and 18-19 under 35 U.S.C. 103(a) as being unpatentable over Mann, Jr. et al (USP 5,736,472) in view of Koch et al (USP 5,573,610), and requests reconsideration of the remaining Claims in view of the amendments made.

The Mann reference ('472) is directed to, and discloses and teaches an article which is bonded in a permanent fashion by heat and pressure to the rubber. The article in Mann is intended to be a permanent fixture giving permanent indicia on the rubber article.

The Mann reference is Not directed to a Separate Label added on the tire after the tire is cured. The Mann reference does not teach solving a "problem" with an article (label) "falling off" due to migratory materials coming from the tire. There was no discovery that the label problem could be solved by discovering a way to let the migratory materials "pass through" the base layer. In fact, in Mann, in column 4, lines 35-37 and lines 44-46, the reference teaches that a "film" can be added to the laminated fabric to "seal the surface" and which "acts as a barrier".

The Koch reference ('610) discloses an RFID tag that is attached to the tire on the wheel Rim, placed in a "pocket" formed in the tire or Permanently bonded to the tire.

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In all these applications, a separate, removable label is not contemplated. So, Koch is directed to the affixing of an RFID to a tire or rim, not to the affixing of a temporary label. The reference discloses an RFID, but does not add to the teaching of Mann.

If Applicant uses a RFID, it is included in the Label at the interface of the base and the adhesive, and the Label is then temporarily attached to the tire. Applicant contends that, since Claim 11, the remaining claim for an RFID tag, is dependent on Claim 1, if Claim 1 directed to the Label is patentable, then Claim 11 should be allowable as a dependent embodiment of Claim 1.

Applicant respectfully traverses the rejection of Claims 8 and 17 under 35 U.S.C. 103(a) as being unpatentable over Mann, Jr. et al (USP 5,736,472) in view of Koch et al (USP 5,573,610) and further in view of Khandpur ('531); and requests reconsideration of the remaining Claims in view of the amendments made.

This specific rejection is now moot as Claims 8 and 17 have been cancelled.

Regardless, Khandur is directed to the preparation of a specific foamed rubber pressure-sensitive adhesive. The Khandur product may be useful as a "rubber based" adhesive which could be part of Applicant's Label; but, the foamed rubber in Khandur's is not disclosed or taught as a "base layer" in Applicant's Label. If Claim 1 directed to the Label is patentable, the use of foamed rubber to make the porous base layer is considered as a dependent embodiment of the label.

Applicant submits that Claims 1, 3, 4, 10 and 11 are in condition for Allowance.

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Respectfully submitted,

A handwritten signature in black ink that reads "Alan A. Csontos". The signature is written in a cursive style with a large, stylized initial 'A'.

Dated: June 20, 2005

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